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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

and

UMME-HANI KHAN,

Plaintiff-Intervenor

vs.

HOLLISTER & FITCH STORES, INC. dba  
HOLLISTER CO., HOLLISTER CO.  
CALIFORNIA, LLC,

Defendants.

Case No.: CV 11-3162 YGR

**DEFENDANTS' PROPOSED VERDICT  
FORMS**

Date: Trial - September 30, 2013

Time: 8:30 a.m.

Before: Hon. Yvonne Gonzalez Rogers

1 Defendants Abercrombie & Fitch Stores, Inc. d/b/a Hollister Co. and Hollister Co.  
2 California, LLC (herein referred to as “Defendants” or “Abercrombie”) hereby submit the  
3 following proposed verdict forms:  
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**DEFENDANTS' PROPOSED VERDICT FORM NO. 1**

**COMPENSATORY DAMAGES**

1. Did Ms. Khan prove by a preponderance of the evidence that she suffered emotional distress or pain and suffering as a result of Abercrombie's actions?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 1 is yes, then answer question 2. If you answered no, then stop here, answer no further questions, and sign and date this verdict form.

2. What are Ms. Khan's compensatory damages for emotional pain and suffering?

\$ \_\_\_\_\_

3. Would the same compensatory damages award have been made under either Title VII or FEHA by itself?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 3 is no, then answer question 4. If you answered yes, then stop here, answer no further questions, and sign and date this verdict form.

4. Please provide the amount of compensatory damages that would have been awarded.

Amount of compensatory damages under Title VII \$ \_\_\_\_\_

Amount of compensatory damages under FEHA \$ \_\_\_\_\_

Sign and date this verdict form.

DATED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR

**DEFENDANTS' PROPOSED VERDICT FORM NO. 2**

**PUNITIVE DAMAGES UNDER TITLE VII**

1. Did Plaintiffs prove, by a preponderance of the evidence, that Abercrombie act with malice or reckless indifference to Ms. Khan's federally protected rights?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 1 is yes, then answer question 2. If you answered no, then stop here, answer no further questions, and sign and date this verdict form.

2. Has Abercrombie engaged in good-faith efforts to comply with Title VII?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 2 is yes, then answer question 3. If you answered no, then stop here, answer no further questions, and sign and date this verdict form.

3. Was Ms. Yoakum's decision contrary to Abercrombie's good faith efforts to comply with Title VII?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Sign and date this verdict form.

DATED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR

**DEFENDANTS' PROPOSED VERDICT FORM NO. 3**

**PUNITIVE DAMAGES UNDER FEHA**

1. Did Ms. Khan prove, by clear and convincing evidence, that Ms. Yoakum acted with malice, oppression or fraud with regard to Ms. Khan's federally protected rights?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 1 is yes, then answer question 2. If you answered no, then stop here, answer no further questions, and sign and date this verdict form.

2. Did Ms. Khan prove, by clear and convincing evidence, that either Ms. Yoakum was an officer, a director, or a managing agent of Abercrombie; or that Abercrombie authorized or ratified Ms. Yoakum's wrongful conduct?

\_\_\_\_\_ Yes \_\_\_\_\_ No

Sign and date this verdict form.

DATED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR

**DEFENDANTS' PROPOSED VERDICT FORM NO. 4**

**AWARD OF PUNITIVE DAMAGES**

Answer this question **ONLY** if you:

- Answered "Yes" to question 1 on Verdict Form 2 and "No" to either questions 2 and 3 on Verdict Form 2.

**OR**

- Answered "Yes" to both question 1 and 2 on Verdict Form 3.

1. What amount of punitive damages should be awarded? \$ \_\_\_\_\_
2. Would the same punitive damages award have been made under either Title VII or FEHA by itself?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If your answer to question 2 is no, then answer question 3. If you answered yes, then stop here, answer no further questions, and sign and date this verdict form.

3. Please provide the amount of punitive damages that would have been awarded.

Amount of compensatory damages under Title VII \$ \_\_\_\_\_

Amount of compensatory damages under FEHA \$ \_\_\_\_\_

Sign and date this verdict form.

DATED: \_\_\_\_\_

\_\_\_\_\_  
PRESIDING JUROR

Respectfully submitted,

/s/ Daniel J. Clark

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HOLLISTER & FITCH STORES, INC.  
HOLLISTER CO.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing *Defendants' Proposed Verdict Forms* was electronically filed on this 9<sup>th</sup> day of September, 2013, with the Clerk of Court through the CM/ECF system, which will send notice of electronic filing to the following:

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